



# UNITED STATES PATENT AND TRADEMARK OFFICE

*cen*

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/804,048	03/19/2004	Kia Silverbrook	ZG126US	6931

24011 7590 03/06/2007  
SILVERBROOK RESEARCH PTY LTD  
393 DARLING STREET  
BALMAIN, 2041  
AUSTRALIA

EXAMINER
----------

FIDLER, SHELBY LEE

ART UNIT	PAPER NUMBER
----------	--------------

2861

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/06/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/804,048

Applicant(s)

SILVERBROOK, KIA

Examiner

Shelby Fidler

Art Unit

2861

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 September 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 and 4-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 4-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION***Priority*

Examiner notes the receipt of a Petition to Accept an Unintentionally Delayed Claim under 35 U.S.C. 120 on 6/9/2006. However, the papers filed with this petition were directed to Application number 10/084048, whereas the instant case under examination is application number 10/804048. If it Applicant's intent to file such a petition for the instant application, please refile the petition with the correct application number.

*Double Patenting*

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees: A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1 and 2-8 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-8 of U.S. Patent No. 6739701 B2. Although the conflicting claims are not identical, they are not patentably distinct from each other as shown by the following table:

Art Unit: 2861

<i>Instant Application 10/804048</i>	<i>US Patent 6739701 B2</i>
Claim 1 - A modular printhead for a digital printer, the modular printhead including: a support frame and a plurality of printhead modules, the frame having a plurality of mounting sites for mounting respective printhead modules to the frame; wherein, at least one of the mounting sites includes: a module engagement plate upon which the printhead module is mounted, the module engagement plate being connected to the support frame by flexible arms, the flexible arms constraining the plate to substantially linear movement relative to the frame; and an adjustment mechanism, the adjustment mechanism including: a lever arm pivotally attached to the frame and also attached to the plate remote from an effective fulcrum wherein pivotal movement of the lever arm causes movement of the plate; and a movable member in engagement with the lever arm causing the pivotal movement of the lever arm.	Claim 1 - A modular printhead mounting for a digital printer including: a support frame; a plurality of mounting sites, each mounting a print head module; at least one of the mounting sites including: a module engagement plate upon which the printhead module is mounted, the module engagement plate being connected to the support frame by flexible arms, said flexible arms constraining said plate to substantially linear movement relative to the frame; and an adjustment mechanism, the adjustment mechanism including: a lever arm pivotally attached to the frame and also attached to said plate remote from an effective fulcrum wherein pivotal movement of the lever arm causes movement of said plate; and a movable member in engagement with the lever arm causing said pivotal movement of the lever arm.
Claim 4 - A modular printhead according to claim 1 wherein the ratio of movement of the movable member to the movement of the module engagement plate is at least 500 to 1.	Claim 2 - An alignment device according to claim 1 wherein the ratio of movement of the movable member to the movement of the module engagement plate is at least 500 to 1.
Claim 5 - A modular printhead according to claim 1 wherein the movement of the printhead module relative to the frame is less than 100 $\mu$ m.	Claim 3 - An alignment device according to claim 1 wherein the movement of the printhead module relative to the frame is less than 100 $\mu$ m.
Claim 6 - A modular printhead according to claim 1 wherein the movement of the lever arm is substantially normal to the movement of the engagement plate.	Claim 4 - An alignment device according to claim 1 wherein the movement of the lever arm is substantially normal to the movement of the engagement plate.
Claim 7 - A modular printhead according to claim 1 wherein the movable member is a grub screw that actuates the lever arm for each respective adjustment mechanism, the screw being threadedly engaged with the support frame.	Claim 5 - An alignment device according to claim 1 wherein the movable member is a grub screw that actuates the lever arm for each respective adjustment mechanism, said screw being threadedly engaged with the support frame.
Claim 8 - A modular printhead according to claim 7 wherein the ratio of axial movement of the respective grub screw to the movement of its respective module engagement plate is about 1000 to 1.	Claim 6 - An alignment device according to claim 5 wherein the ratio of axial movement of the respective grub screw to the movement of its respective module engagement plate is about 1000 to 1.
Claim 9 - A modular printhead according to claim 1 wherein the adjustment mechanism is integrally formed in the frame with the respective flexible arms having localized necks formed at each end allowing constrained movement of the respective module engagement plate.	Claim 7 - An alignment device according to claim 1 wherein the adjustment mechanism is integrally formed in the frame with the respective flexible arms having localized necks formed at each end allowing constrained movement of the respective module engagement plate.
Claim 10 - A modular printhead according to claim 1 wherein the lever arm is integrally formed in the	Claim 8 - An alignment device according to claim 1 wherein the lever arm is integrally formed in the

Art Unit: 2861

frame, the lever arm having at least one localized neck formed with the plate remote from the effective fulcrum.

frame, said lever arm having at least one localized neck formed with said plate remote from the effective fulcrum.

Art Unit: 2861

*Communication with the USPTO*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shelby Fidler whose telephone number is (571) 272-8455. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Luu can be reached on (571) 272-7663. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

*Shelby 2. Fidler 3/5/2007*

Shelby Fidler  
Patent Examiner  
AU 2861



MATTHEW LUU  
PRIMARY EXAMINER